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10 **UNITED STATES DISTRICT COURT**  
**FOR THE WESTERN DISTRICT OF WASHINGTON**

11

12 CLINT ENGELBRETSON, individually and  
13 on behalf of all others similarly situated,

14

Plaintiff,

15 v.

16

BAGELCODE USA, INC., a Washington  
corporation; GOOGLE LLC, a Delaware  
limited liability company; and GOOGLE  
PAYMENT CORP., a Delaware corporation,

17

Defendants.

18 Case No. 2:21-cv-00296-JLR

19 **NOTICE OF VOLUNTARY DISMISSAL**

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Plaintiff dismisses this lawsuit against Defendants without prejudice.

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Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

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(a) Voluntary Dismissal.

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**(1) By the Plaintiff.**

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(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2 and 66 and any  
applicable federal statute, the plaintiff may dismiss an action without a court  
order by filing:

26

Notice of Voluntary Dismissal

1                             (i) a notice of dismissal before the opposing party serves either an answer  
2                             or a motion for summary judgment; or

3                             (ii) a stipulation of dismissal signed by all parties who have appeared.

4                             (B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is  
5                             without prejudice. But if the plaintiff previously dismissed any federal- or  
6                             state-court action based on or including the same claim, a notice of  
7                             dismissal operates as an adjudication on the merits.

8                             In this case, Defendants have neither answered Plaintiff's Complaint nor served a  
9                             motion for summary judgment. In addition, no class has been certified in this matter so  
10                            Rule 23's exceptions do not apply. Likewise, this case does not involve any Receiver so as  
11                            to implicate Rule 66.

12                             Accordingly, Plaintiff hereby dismisses these proceedings in accordance with Rule  
13                             41(a)(1)(i) without prejudice.

14  
15                             Dated: June 21, 2021

16                             **CLINT ENGELBRETSON**, individually and on  
17                             behalf of all others similarly situated,

18                             By: /s/ Patrick H. Peluso  
19                             One of Plaintiff's Attorneys

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25                             Attorneys for Plaintiff and the Class

26                             \* *Pro Hac Vice*